

**UTAH STATE BAR
BOARD OF BAR COMMISSIONERS
MINUTES**

**JANUARY 12, 2018
LAW AND JUSTICE CENTER**

- In Attendance:** President John Lund, President-elect H. Dickson Burton, Commissioners: John Bradley, Steven Burt, Kate Conyers, Heather Farnsworth, Mary Kay Griffin, Liisa Hancock, Mark Morris, Herm Olsen, Michelle Quist, Cara Tangaro, Heather Thuet, and Katie Woods.
- Ex-Officio Members:** Acting Dean Bob Keiter, Nate Adler, Erik Christiansen, Julie Emery, Dani Cepernich, Rob Rice, Dean Gordon Smith, Jamie Sorenson, and Bebe Vanek.
- Not in Attendance:** Grace Acosta, and Ex-Officio members Amy Fowler, Diana Hagen and Margaret Plane.
- Also in Attendance:** Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee, General Counsel Elizabeth A. Wright and Supreme Court Liaison Catherine Dupont.

Minutes: 9:08 a.m. start

1. President's Report: John Lund

- 1.1 Recognize Billy Walker's 20 Years of Service in OPC.** Billy Walker and the OPC staff joined the Commission to recognize Billy Walker for 20 years of service to the Bar.
- 1.2 Review Phone Conference Calendar & Legislative Breakfast.** John Lund explained the Governmental Relations weekly meetings and procedures for review of relevant legislation during the legislative session. He also explained that the Commission will be having weekly telephone meetings to discuss legislation considered by the Governmental Relations Committee. Court rules govern whether the Bar can take a position on legislation and the procedures for doing so.
- 1.3 Report on Diversity/Inclusion Post Meeting Actions.** John Lund reported on his outreach to affinity groups following the "Deep Dive" discussion at the December Commission meeting regarding efforts to improve diversity and inclusion within the Bar and the profession. Bar policies will be amended to require diversity and inclusion in committee appointments and CLE presenters.
- 1.4 Sun Valley Room Reservation Reminder.** Commissioners were reminded to make lodging arrangements as soon as possible.

- 1.5 Report on Practice Portal Focus Group.** A focus group will meet in January to discuss the pros and cons of the new Practice Portal and to provide feedback on its usefulness and possible improvements.
- 1.6 Report on Lighthouse Survey and Focus Groups.** Phone surveys are underway and focus groups will begin at the conclusion of the phone surveys. Mark Morris will make arrangements for those Commissioners who would like to observe the focus groups. Report on the findings is expected two to three weeks after focus groups are concluded.
- 1.7 Legislative Session Update.** The Commission discussed proposed legislation to amend the Utah Constitution to take away the Supreme's Court's authority to regulate lawyers who do not appear before the courts. Representative Norm Thurston is running the legislation out of frustration with lawyers who send fee demand letters along with demands to business to cure signs, ramps or other building components that violate the ADA. The letters demand fees that have not been earned. The businesses often pay the fees in order to avoid the larger cost of objecting to the demand. Representative Thurston believes the Bar and the courts have failed to stop these predatory fee demands. Rob Rice pointed out that there have been recent federal court rulings in Utah and other jurisdictions striking the fees and punishing lawyers for the fee demands. He also pointed out that some states have been successful in disbaring lawyers who send demands for unearned fees along with notices of ADA violations.

John Lund and Frank Pignanelli will meet with Representative Thurston to explain what the legal community has been and can be doing to lawyers who demand unearned fees.

2. Action Items

- 2.1 Nominate Bar President-Elect Candidates.** After a presentation from Herm Olsen, Heather Farnsworth moved to nominate Herm Olsen to run for Bar President-elect. Michelle Quist seconded the motion which passed unopposed.
- 2.2 Select Dorathy Merrill Brothers Award Recipient.** After a discussion of the nominees and a paper ballot vote, Kate Conyers moved to select Ellen Maycock to receive the award. Heather Farnsworth seconded the motion which passed unopposed. Mary Kay Griffin recused herself from the vote.
- 2.3 Select Raymond S. Uno Award Recipient.** Cara Tangaro moved to select Judge Augustus Chin for the award. Mark Morris seconded the motion which passed unopposed.
- 2.4 Approve Diversity Amendments to Commission Policies.** The Commission considered proposed changes to the Bar's Policies and Procedures to foster diversity and inclusion in CLE presentations and in Committee membership and leadership. Various Commissioners proposed small changes. The changes will be made and presented for a vote at the March Commission meeting.

- 2.5 Approve Ad Hoc Committee on Survey and Focus Groups.** The Commission skipped this item because it was discussed under item 1.6.
- 2.6 Approve Access to Justice Committee Chairs and Charge.** Liisa Hancock moved to approve the Charge to the Access to Justice Standing Committee and to appoint Retired Justice Christine Durham to Co-chair the Committee and to provisionally appoint a Co-Chair. Kate Conyers seconded the motion which passed unopposed.
- 2.7 Appoint Hon. Evelyn Furse as 2019 Summer Convention Co-chair.** Heather Farnsworth moved to appoint Judge Eve Furse as Co-Chair of the 2019 Summer Convention. Herm Olsen seconded the motion which passed unopposed.
- 2.8 Appoint Josh Player as NLTP Committee Vice-chair.** John Bradley moved to appoint Josh Player as Vice Chair of the NLTP Committee. Heather Farnsworth seconded the motion which passed unopposed.

Out of Order 4.2 Breakfast of Champions Report. Michelle Quist reported that the Breakfast will take place on February 22, 2018 at the Alta Club. A request for nominations will be going out soon.

- 2.9 Approve Licensed lawyer Marketing Proposal: Matt Page.** Bar Communications Director Matt Page presented various proposals and marketing budgets to promote LicensedLawyer to the public. The proposed budget would cover marketing expenses through the remainder of the fiscal year. **Heather Farnsworth moved to approve the \$39,000 marketing plan that will coincide with the results of the Lighthouse survey regarding individual and small business use of legal services.** Herm Olsen seconded the motion which passed unopposed.

3. Current Issue “Deep Dive”

- 3.1 Training Lawyers in Law School & Beyond.** The Commission heard presentations and discussed practical training for law students and new lawyers. Dean Smith gave a presentation on the multiple experiential learning opportunities to BYU law students. Lincoln Davies gave a similar report on the training and hands on learning opportunities available to U of U law students. NLTP Committee Chair Lesley Manley reported on the New Lawyer Training Program requirements. CLE Director Michelle Oldroyd reported on CLE opportunities and Chair of the Tech Committee, John Reese, reported on law school and Bar efforts to train lawyers in the use of technology.

4. Information Items

- 4.1 Spring Convention Report.** Dickson Burton reported on the keynote speakers for the March Convention.
- 4.2 Breakfast of Champions Report.** See above.

4.3 Awards Committee Report. Heather Farnsworth reported that the Committee is being formed and will have its first meeting on February 12th.

The meeting adjourned at 12:45 p.m.

Consent Agenda

1. Approved Minutes from the December 8, 2017 Commission Meeting.
2. Approved Organization of Entertainment Law Section

Handouts

1. Charge to the Access to Justice Standing Committee
2. Dorothy Merrill Brothers Award nominations
3. December 2017 Financial Reports
4. Handout regarding Governmental Relations Committee meeting schedule, legislative calendar, useful legislative links and Rule 14-106